

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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**THE PENSION COMMITTEE OF THE
UNIVERSITY OF MONTREAL
PENSION PLAN, *et al.*,**

Plaintiffs,

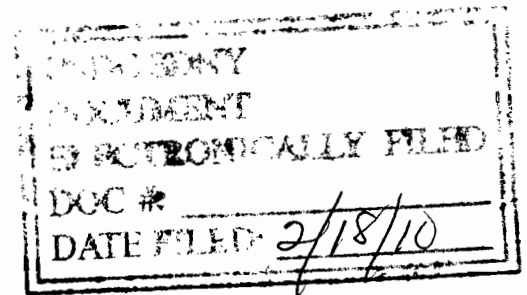
- against -

**BANC OF AMERICA SECURITIES,
LLC, CITCO FUND SERVICES
(CURACAO) N.V., THE CITCO GROUP
LIMITED, INTERNATIONAL FUND
SERVICES (IRELAND) LIMITED,
PRICEWATERHOUSECOOPERS
(NETHERLAND ANTILLES), JOHN W.
BENDALL, JR., RICHARD GEIST,
ANTHONY STOCKS, KIERAN
CONROY, and DECLAN QUILLIGAN,**

Defendants.
----- X

ORDER

05 Civ. 9016 (SAS)




SHIRA A. SCHEINDLIN, U.S.D.J.:

For the reasons discussed in the conference held February 17, 2010, plaintiffs' *motion in limine* to exclude evidence of spoliation by negligent plaintiffs is granted. In accordance with Rule 104 of the Federal Rules of Evidence, this is a preliminary determination and I am "free, in the exercise of sound judicial

discretion, to alter [this] *in limine* ruling” as the case unfolds.¹ The Clerk of the Court is directed to close this motion (Docket No. 330).

SO ORDERED:



Shira A. Scheindlin
U.S.D.J.

Dated: New York, New York
February 18, 2010

¹ *Luce v. United States*, 469 U.S. 38, 41-42 (1984).

- Appearances -

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